



12 SEP 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BAYER HEALTHCARE, LLC  
1884 MILES AVENUE  
P.O. BOX 70  
ELKHART, IN 46515-0070

In re Application of BLASCHKE et al  
U.S. Application No.: 10/590,838  
PCT Application No.: PCT/US05/03624  
Int. Filing Date: 04 February 2005  
Priority Date Claimed: 06 February 2004  
Attorney Docket No.: 47082-115USPX  
For: FLUID TESTING SENSOR HAVING  
VENTS FOR DIRECTING FLUID FLOW

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 24 August 2006.

**BACKGROUND**

On 04 February 2005, applicant filed international application PCT/US05/03624, which claimed priority of an earlier United States application filed 06 February 2004. The thirty-month period for paying the basic national fee in the United States expired on 06 August 2006.

International application PCT/US05/03624 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 August 2006, applicant filed the present petition under 37 CFR 1.137(b).

**DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 February 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 August 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459